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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,086	02/13/2004	Noriko Ota	P24595	4117
7055 7590 09/14/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER PHILIPPE, GIMS S	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 09/14/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,086	<b>Applicant(s)</b> OTA, NORIKO	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/12/04</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

This is a first office action in response to application no. 10/777,086 filed on February 13, 2004 in which claims 1-6 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. (US Patent no. 6602186).

Regarding claims 1, 3 and 6, Sugimoto discloses an electronic endoscope system comprising: an electronic endoscope having an insertion portion; an image pickup device provided at a distal end of said insertion portion (See fig. 1, item 22, col. 6, lines 50-55); an image signal processing device for converting a signal picked-up by and output from the image pickup device into an image signal (See fig. 1, item 14, col. 6, lines 37-43); a main light source (See fig. 1, item 26 and col. 6, lines 59-65); an auxiliary light source which emits less amount of light than the light emitted from the main light source, instead of the main light source (See fig. 1, item 38 and col. 7, lines 57-63).

It is noted that while Sugimoto does not particularly disclose the exactly same light guide member as claimed, Sugimoto however, provides in col. 7, lines 2 to col. 8, line 29, a collecting lens 28 which converges the white light on a proximal end along with a special wavelength light source for transmitting a special wavelength light source with a lamp 38 with a rotary shutter.

To the examiner, such a design by Sugimoto is considered either equivalent to the claimed limitations or at least renders obvious to one skilled in the art at the time of the invention the *“illumination light emitted from one of the main light source and the auxiliary light source to the distal end of said insertion portion to thereby emit the illumination light from said distal end; wherein, when the auxiliary light source emits the illumination light instead of the main light source, said image signal processing device sets the gain of said signal output from the image pickup device to a value higher than the gain of said signal when the main light source emits the illumination light, in order to process the image signal”*.

The rationale for considering such an alternative design equivalent is motivated by the fact that the present claimed invention seeks to provide two light sources in case one does not properly work. The present invention, as disclosed by Sugimoto, contains at least two light sources wherein the auxiliary light emitting less amount of light than the primary source and the shutter speed will determine the proper illumination.

3. Claims 2, 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamano et al. (US Patent no. 5622528) teaches endoscope examination system for processing endoscope picture image.

Furukawa (US Patent no. 4989586) teaches endoscope having a solid-state image pickup device.

Adachi et al. (US Patent Application Publication no. 2002/0026099 A1) teaches video endoscope system and illumination system.

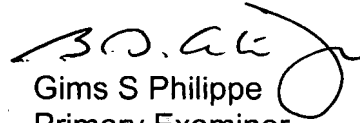
Miyazaki (US Patent no.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

September 5, 2007